## REMARKS

In the Office Action, the Examiner indicated that claims 1 through 20 are pending in the application and the Examiner rejected all claims. Claim 2 has been amended herein in order to further define the present invention.

### Claim Rejections, 35 U.S.C. § 102 and § 103

On page 2 of the Office Action, the Examiner rejected claims 1-3 and 11-13 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,993,290 to Gebis et al. ("Gebis"). On page 4 of the Office Action, the Examiner rejected claims 4-10 and 14-20 under 35 U.S.C. §103(a) as being unpatentable over Gebis in view of U.S. Patent No. 4,765,753 to Schmidt ("Schmidt").

### The Present Invention

The present invention is a dedicated wireless data connection to the Internet (e.g., via cellular access technology) through which digital broadcasts are streamed to mobile receiving devices. Streaming content is automatically pre-specified based upon the geographic location of a transmitting node. Specifically, claim 1 recites:

> providing one or more wireless connection nodes in a geographically defined receiving area; delivering to said one or more wireless connection nodes only content selected by an operator of said one or more wireless connection nodes wherein said content is specific to said geographically defined receiving area (claim 1, lines 3-7)

By pre-specifying content based upon geographic location, content providers are provided with the ability to sell time to localized advertisers and assure the advertisers their content will reach local

listeners. For example, a plurality of hand-held mobile devices of the present invention will receive content specific to the Philadelphia region when connected to communication nodes in the Philadelphia area. The same hand-held mobile devices will receive content specific to the Chicago region when connected to communication nodes in the Chicago area without any customization by the user.

**U.S. Patent No. 6,993,290 to Gebis et al.**

U.S. Patent No. 6,993,290 to Gebis et al. ("Gebis") teaches a content delivery system that allows a user to predefine preferences that are used to filter content for delivery to the user. The system includes a content database for storing content, a receiver for receiving information relating to a user's personal profile including content preferences, a content controller for selecting content from the database according to the user's content preferences, and all necessary circuitry for transmitting the content to a user.

**U.S. Patent No. 4,765,753 to Schmidt**

U.S. Patent No. 4,765,753 to Schmidt teaches a system for transferring cellular based communication (e.g., a cellular call) from a first cell to a second cell when a mobile device moves from the first cell to the second cell. The system includes using a series of repeated transmission channels throughout each cell for transferring one cellular call from a first cell to a second cell on the

same channel, resulting in a seemingly seamless transfer to a user. The Examiner relies on Schmidt to teach transmitting a unique spreading code for a plurality of stations.

**The Cited Prior Art Does Not Anticipate the Claimed Invention**

The MPEP and case law provide the following definition of anticipation for the purposes of 35 U.S.C. § 102:

> "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP §2131 citing *Verdegaal Bros. v. Union Oil Company of California*, 814 F.2d 628, 631, 2 U.S.P.Q. 2d 1051, 1053 (Fed. Cir. 1987)

**The Examiner Has Not Established a *Prima Facie* Case of Anticipation**

As noted above, the present claimed invention includes wireless connection nodes in a geographically defined area delivering content to users located in the geographically defined area with the content being based upon the geographically defined area. This allows content providers to include localized advertising in the delivered content specific to the geographic areas where the content is being delivered. It also simplifies the interaction required from a user to obtain local data as the content provided to the user is geographically dependent and requires no customization from the user. The feature of providing content that is specific to a geographically defined receiving area in which wireless connection nodes are located defines the present invention as novel over the prior art. The feature of delivering content to a user based upon a geographic location in which users are currently located is further defines the present invention as novel over the prior art.

In the Response to Arguments section of the final Office Action of December 13, 2007, the Examiner states that column 2, lines 5-6 of Gebis discloses delivering traffic reports and weather forecasts to a user and that this is the same as delivering content to a user based on a geographic location of the user. This is incorrect. There is no requirement in Gebis that the user actually be located within the geographic area which is the subject of the traffic or weather reports. Rather, Gebis teaches only that content delivery based upon a user's predefined preferences. Thus, a user who has set preferences to receive traffic reports for Chicago, Cleveland, and San Francisco will, when traveling in Atlanta, receive traffic reports for Chicago, Cleveland, and San Francisco. Gebis utilizes a centralized database of content for delivery to all users, regardless of geographic location. Nowhere does Gebis even mention the current location of the user.

Additionally, in the Amendment filed on October 17, 2007, independent claims 1 and 11 were amended to recite providing content that is specific to a geographically defined receiving area in which wireless connection nodes are located. In the final Office Action of December 13, 2007, the Examiner failed to acknowledge and did not provide any basis for rejecting that added limitation. Gebis does not include any such teaching. The content of Gebis is based only upon a user's predefined preferences. It has no relation whatsoever to the geographic area in which wireless connection nodes are located.

Without a teaching of delivering content to users based upon the geographic location of the users and based on the geographic location of the wireless connection nodes, each of the independent claims (claims 1 and 11), and all claims depending therefrom, patentably define over Gebis. For

these reasons, the Examiner is respectfully requested to reconsider and withdraw the rejection of claims 1-3 and 11-13 under 35 U.S.C. §102(e) as being anticipated by Gebis.

**The Examiner Has Not Established a *Prima Facie* Case of Obviousness**

The Examiner relies upon Schmidt for an alleged teaching of transmitting a unique spreading code for a plurality of stations. Schmidt teaches a system for transferring cellular calls seamlessly from one cell to another cell. Schmidt, however, is unconcerned with the delivery of customizable content. Rather, the entire focus of the disclosure of Schmidt is directed toward transferring a cellular call from one cell to another. No disclosure is made by Schmidt regarding delivering content to a user based upon a geographic location of the user as is claimed in the present invention. As such, the addition of the teachings of Schmidt to those of Gebis do not overcome the deficiencies of Gebis as discussed above, specifically, delivering content to a user based upon a geographic location of the plurality of users and of the wireless connection nodes. Therefore, the present invention is non-obvious over the prior art of record and the Examiner is respectfully requested to reconsider and withdraw the rejection of claims 4-10 and 14-20 under 35 U.S.C. §103(a) as being unpatentable over Gebis in view of Schmidt.

**Conclusion**

The present invention is not taught or suggested by the prior art. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims. An early Notice of Allowance is earnestly solicited.

Respectfully submitted,

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